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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,634	01/29/2004	Kadri Aygun	TRW(ASG)6925	5396

26294 7590 09/19/2006

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
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EXAMINER

CULBRETH, ERIC D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/767,634	Applicant(s) AYGUN ET AL.	
	Examiner Eric Culbreth	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed 9/8/06 has been approved and entered by the examiner.

Following is an action on the merits of the case.

Drawings

2. The drawings were received on 4/7/06. These drawings are approved in view of the amendments to the specification filed 9/8/06.

Information Disclosure Statement

3. The applicant has requested that the information disclosure statement filed 5/7/04 be acknowledged by the examiner (page 8, remarks filed 9/8/06). However, currently there is no information disclosure statement in the file from 5/7/04. The examiner suggests refiling the information disclosure statement to ensure proper consideration.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-6, and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumagai et al US 20010033072A1 (newly cited) in view of Frisch US006536801B2 (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kumagai et al's bag in Figure 9 with a center indentation at 37a and upper region 35 having three substantially straight orthogonal adjoining sections to include being a driver's side airbag as taught by Frisch at column 1, lines 5-10 in view of Kumagai et al's teaching in paragraph [0045] that the air bag can be used any other place than the front passenger seat and Frisch's teaching of using a driver air bag (claim 1). Regarding claims 2 and 9, Kumagai et al teaches in Figures 3B and 15 the upper region sections being connected by curved transition sections having radii smaller than a distance from the center of the indentation. In Figure 9 of Kumagai et al, the widths of the upper and lower regions 35, 37 are equal (claim 4), the vertical height of the upper region 35 is greater than the vertical height of the lower region 37 (claim 5), and alternatively, in Figure 14B of Kumagai et al, the vertical heights of the upper and lower regions are equal (claim 6). In Figure 9, Kumagai et al's outer edge of the lower region 37 has three substantially straight sections (claim 8). In Kumagai et al, the two upper region outer edge sections are parallel (claim 10), and the angles of the three sections of the upper region are less than obtuse (claim 11). The upper region has only three straight sections (claims 12-13).

The examiner regrets that this reference to Kumagai et al was not applied or cited in the final Office Action.

Allowable Subject Matter

6. Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kumagai et al US006536800B2 is cited as the issued patent of the pregrant publication cited above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth
Primary Examiner
Art Unit 3616



ec

Approved
EC
9/14/06

U.S. Serial No. 10/767,634
Amdt. Dated 4-4-06
Reply to Office Action of 12-21-05
Replacement Sheet

Fig. 1a

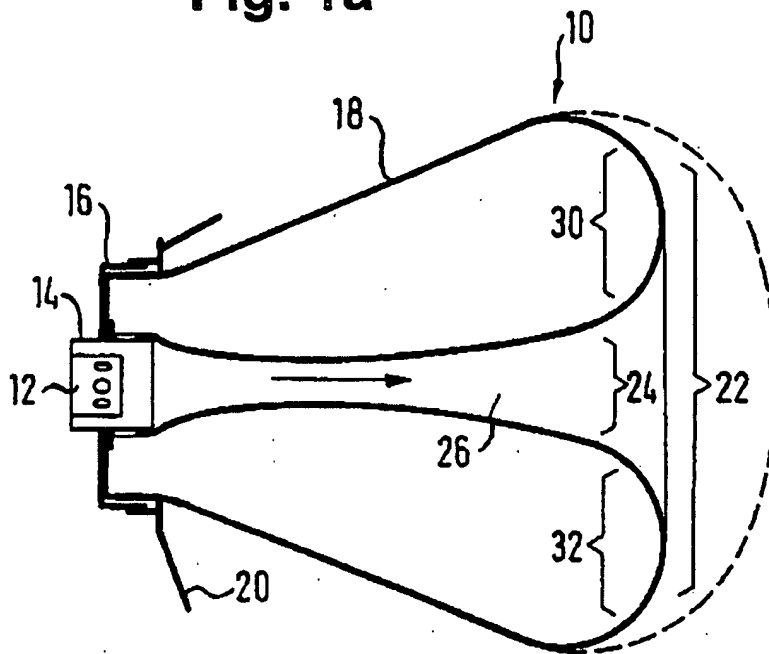


Fig. 1b

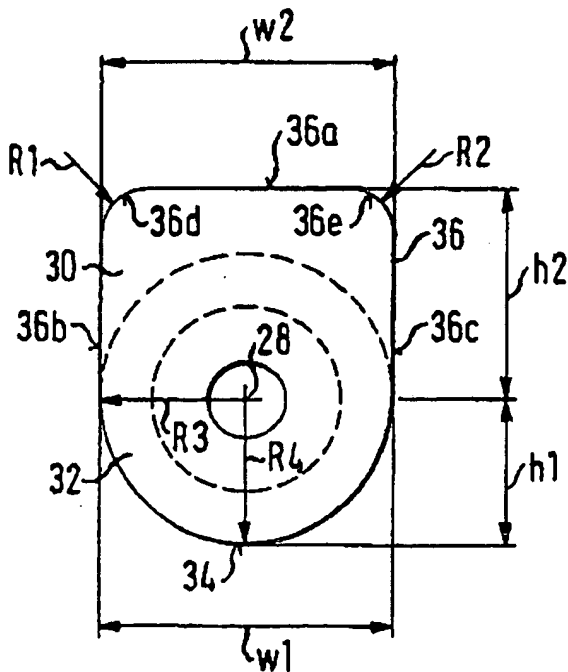


Fig. 2

